

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DEUTSCHE BANK NATIONAL TRUST)
4 COMPANY, AS TRUSTEE FOR)
5 MORGAN STANLEY ABS CAPITAL I)
6 INC. TRUST 2006-HE8 MORTGAGE)
7 PASS-THROUGH CERTIFICATES,)
8 SERIES 2006-HE8,)

Case No.: 2:17-cv-00259-GMN-NJK

ORDER

Plaintiff,

vs.

9 SFR INVESTMENTS POOL 1, LLC;)
10 DESERT GREENS HOMEOWNERS)
11 ASSOCIATION,)

Defendants.)
12)
13)

14 Pending before the Court is a Motion for Demand for Security of Costs, (ECF
15 No. 8), filed by Defendant SFR Investments Pool 1, LLC (“Defendant”). For the reasons
16 set forth below, the Motion is granted.

17 The Ninth Circuit recognizes that “federal district courts have inherent power to
18 require plaintiffs to post security for costs.” *Simulnet E. Assocs. v. Ramada Hotel*
19 *Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994). Under Nevada law, “[w]hen a plaintiff
20 in an action resides out of the State, or is a foreign corporation, security for the costs and
21 charges which may be awarded against such plaintiff may be required by the defendant.”
22 NRS § 18.130(1). “After the lapse of 30 days from the service of notice that security is
23 required . . . upon proof thereof, and that no undertaking as required has been filed, the
24 court or judge may order the action to be dismissed.” NRS § 18.130(4). It is the policy of
25 the United States District Court for the District of Nevada to enforce the requirements of

1 NRS § 18.130 in diversity actions. *See, e.g., Feagins v. Trump Org.*, No. 2:11-cv-01121-
2 GMN, 2012 WL 925027, at *1 (D. Nev. Mar. 19, 2012).

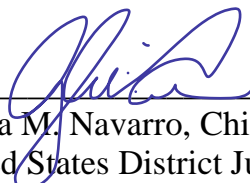
3 Because Plaintiff Deutsche Bank National Trust Company, as trustee for Morgan
4 Stanley ABS Capital 1 Inc. Trust, Mortgage Pass-Through Certificates Series 2006-HE8
5 (“Plaintiff”) resides outside of Nevada, (Compl. ¶ 4, ECF No. 1), the Court finds that it is
6 appropriate to require Plaintiff to post a security bond of \$500.00 in this matter pursuant
7 to NRS § 18.130.

8 **IV. CONCLUSION**

9 **IT IS HEREBY ORDERED** that the Motion Demanding Security of Costs, (ECF
10 No. 8), is **GRANTED**.

11 **IT IS FURTHER ORDERED** that Plaintiff must submit a bond pursuant to this
12 Order in the amount of \$500.00 as to Defendant. Failure to do so within thirty days of
13 the filing date of this Order shall constitute grounds for dismissal.

14 **DATED** this 9 day of May, 2017.

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18 Gloria M. Navarro, Chief Judge
19 United States District Judge
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